

Court No. - 8

Case :- WRIT - A No. - 7332 of 2022

Petitioner :- Gopi Nath Pathak

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Rural
Development Lko. And 3 Others

Counsel for Petitioner :- Dharm Raj Mishra, Abhay Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard Shri Dharm Raj Mishra, learned counsel for the petitioner and Shri Sandeep Sharma, learned Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 14.09.2022 whereby the petitioner was placed under suspension pending disciplinary proceedings against him.

3. The petitioner while working on the post of Block Development Officer, Mohmaddabad, District-Farukhabad had allegedly made viral some audio clip containing disrepute to the organization regarding misappropriation of funds and taking bribe by the officers of the Department. The said audio clip was published in the newspapers.

4. The Chief Development Officer, District-Farukhabad constituted an Enquiry Committee and an explanation was sought from the petitioner. Before the enquiry could get completed another report was published in the newspaper on 05.05.2022 containing an allegation that eighty cow progenies were smuggled from Cow Shelter. This allegation was also enquired into and it was found that the said allegation was completely false. Thereafter, the Enquiry Committee concluded that the petitioner had made viral some audio clip and gave it to the press which published the audio clip of the petitioner regarding allegations of corruption and bribery by the officers of the Department.

5. The petitioner approached this Court by filing this petition against the impugned suspension and this Court vide detailed interim order dated 19.12.2022 stayed the impugned suspension order which has remained in force till today.

6. In the meantime, the petitioner has been issued charge-sheet on 31.12.2022 containing ten charges to which the petitioner has submitted his reply on 17.04.2023.

7. Considering the allegations and the fact that the interim order has remained in operation for six months, the interest of justice would meet if the respondents are directed to conclude the disciplinary proceedings against the petitioner expeditiously preferably within a period of four months from today subject to full cooperation by the petitioner. For a period of four months from today, the interim order dated 19.12.2022 in respect of suspension of the petitioner shall also remain in operation. Any amount of the petitioner in respect of arrears of salary withheld should also be paid to him. If the petitioner does not cooperate in the disciplinary proceedings, the impugned order dated 14.09.2022 would get revived automatically.

8. With the aforesaid observations/directions, the present petition finally stands **disposed of**.

(Dinesh Kumar Singh, J.)

Order Date :- 4.7.2023

Piyush/-